

MEMBERS PRESENT

Peg Birney
Thomas J. Knips, Vice Chairman
Robert LaColla
Robert Rahemba
James H. Wick, Chairman

MEMBERS ABSENT

Brian Callahan, Alternate
Sheila Lahey
Shannon Lashlee, Alternate
David Stenger

OTHER PRESENT

John V. Andrews, Jr., P.E., Town Engineer
Christopher J. Colsey, Director of Municipal Development
Maryann Johnson for J. Theodore Fink, AICP, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
James Walker
John Vitolo, P.E.
Eugene D. Ninnie, P.E.
William H. Povall III, P.E.
Thomas F. Perna
Glennon J. Watson, L.S.
Matthew Horton, P.E.
Demetreus Moustakas
Daniel Zalinsky
Timothy O'Brien

The meeting was called to order at 7:00 p.m. by James H. Wick, Chairman.

DISCUSSION
JAMES WALKER - 14 MAPLE STREET
LOCAL HISTORIC DISTRICT

Mr. Walker stated he is proposing to do a little façade change and extend his porch at 14 Maple Street in Fishkill, New York. Mr. Walker presented samples to the Board of the materials and colors to be utilized.

Ms. Birney asked if the house is currently sided; Mr. Walker stated yes but it is an older type siding. Ms. Birney stated the deck will be cedar painted the tan color and the roof will be black. Mr. Walker stated yes, it is two (2) different colors now.

Ms. Birney asked if the Board notifies the neighbors of the changes to the façade or are we just reviewing and recommending. Mr. Wick stated we are doing the latter at this time.

Mr. Knips made a motion that Mr. Colsey be empowered to write a letter to the Applicant and the Building Department authorizing the modifications as presented to the Board this evening. Seconded by Ms. Birney. Motion carried.

Ms. Birney stated she has no problem with what Mr. Walker is doing but is just curious as the Town does have a Local Historic District guideline.

NEW SUBMITTAL
HOLD - SUBDIVISION

Mr. Vitolo stated that he is the engineer for this project. Mr. Vitolo stated that the Applicant is requesting approval to subdivide a parcel totaling 4.03 acres into three (3) lots. Mr. Vitolo stated that Lot #1 will consist of 1.48 acres, Lot No. 2 will consist of 1.37 acres and Lot No. 3 will consist of 1.17 acres. Mr. Vitolo stated that the parcel for this proposal contains an existing residence and is located at 222 Baxtertown Road, in the R-40 Zoning District.

Mr. LaColla asked what the grade is here. Mr. Vitolo stated it does get to 15% in one area. Mr. Wick asked if it could be brought down to 14%; Mr. Vitolo stated yes.

Mr. Knips stated Lot 2 has three (3) crossings for driveways. Mr. Wick stated that this will have to go before the ZBA as this is proposed with a common driveway and there is no access over the frontage. Mr. Wick suggested to Mr. Vitolo that he apply to the ZBA now.

Mr. Vitolo stated he met with the DC DPW and they agreed this is best and easiest way to access these proposed lots.

Mr. Andrews stated the driveways that are shown are 15% and they have to be 12% according to the Town Code, so the applicant has to convince this Board that the 15% grade is a compelling number.

Mr. Vitolo stated they are proposing wells and gravity septic for the two (2) new lots. Mr. Knips asked how far the new proposed septic will be from the existing well. Mr. Vitolo stated they will be a minimum of 100' from the existing well. Mr. Vitolo stated they haven't done any testing at the site yet.

Mr. Andrews asked if the Board is inclined to accept this application or does the Board want to send this back to for further revision on the 15% grade to get it to 12% grade.

Mr. Andrews stated this is the first time he is seeing this and the configuration of the lots is awkward, but we need to look at the technical aspects too. Mr. Andrews stated that this application demands that the Board grant a waiver from day one and it does not demonstrate why the Board needs to waive the 12% grade to 15% grade. Mr. Andrews stated the Board is well within their rights not to accept this application this evening and to ask for something to support it and ask for more data.

It was the consensus of the Board that more data be submitted before this application may be accepted.

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN

Mr. Gantz stated they have addressed the comments to the best of their ability from the consultants. Mr. Gantz stated they have brought some additional architectural renderings.

Mr. Gantz presented to the Board the Town Place Suites architectural rendering which he believed the Board was happy with at the last meeting. Mr. Gantz stated the Board was not happy with the Spring Hill Suites and wanted something more to fit into the neighborhood and the Town of Fishkill. Mr. Gantz stated the architects went back and brought more brick into the architecture.

FINAL

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN
(CONTINUED)

Ms. Fao introduced herself as the architect for the developer. Ms. Fao stated the main roof is an architectural shingle and they are accented with a weatherized copper and a natural copper. Ms. Fao stated the roof would be a warm brown with some gray. Mr. Wick asked if the Board can get an actual sample of the roofing material. Ms. Fao stated yes.

Mr. Gantz stated the Board also asked for more landscaping and he presented a new plan to the Board. Mr. Ninnie stated they took the suggestions from Mr. Fink's office and incorporated them into this revised landscaping plan. Mr. Ninnie stated they tried to show a campus like pedestrian walk way. Mr. Ninnie stated he submitted to the Board members this evening a presentation plan which shows both Lot #5 and Lot #6 to show the integration in landscaping between the sites.

Mr. Gantz stated in addition to the landscaping with respect to the NYDEC and endangered species he is deferring to Mr. Ninnie. Mr. Ninnie stated they had submitted a letter to Mr. Shealey of the NYSDEC and received something back on August 8, 2005 which indicated it is in a CEA and a possibility of a threatened plant called the fairy wand plant. Mr. Ninnie stated a site walk was done by Tim Miller Associates today which indicates that the fairy wand plant does not exist there. Mr. Ninnie stated as to the aquifer the water is being treated as per the requirements and is the subject of the Town Engineer's review and the impact to the aquifer doesn't exist. Mr. Ninnie stated based on the information he has submitted to the Board this evening this project will not be an impact to the aquifer.

Mr. Andrews stated the CEA actually occurred after the full development of Westage Business Center and there is no real defined aquifer. When the CEA was formed the Westage Business Center itself was fully approved and WDG Dutchess was being developed. The Town took into the account the development that was originally proposed here and as long this stays consistent with the original development the impacts to the CEA would be virtually undetectable.

Mr. Andrews reviewed his memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink reviewed his memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink stated his first comment has been addressed by receiving the letter from Tim Miller Associates this evening.

Mr. Gantz stated what they are proposing is the same sign that is existing for the Marriott Courtyard. Mr. Gantz stated he will let Ms. Fao address the externally lit sign. Ms. Fao stated sometimes externally lit signs are hard to see and the internally lit sign is an industry standard. Mr. Gantz stated in inclement weather it is critical that the signs be lit and this lot is at the end of the Westage Business Center.

Mr. Gantz stated the actual logo on the sign is a corporate logo; the base can certainly coordinate with the building.

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Adams asked the Board to favorably authorize a Negative Declaration this evening. Mr. Fink stated the Board has a draft Negative Declaration before them this evening. Mr. Knips asked isn't this more a Statement of Consistency, Mr. Fink stated actually it is.

Mr. Fink suggested adding the revision date of August 22, 2005 for the EAF. Mr. Fink stated the next one has to do with Stormwater Management and he defers to Mr. Andrews. Mr. Andrews stated it will be the responsibility of the individual lot owners.

Ms. Birney asked if this Board can issue a Negative Declaration with the water issue still not being answered. Mr. Andrews stated the problem we are facing is that the water requires contracts and other things that are out of the control of the applicants. Mr. Andrews stated it is not a functional capacity issue; it is a contractual capacity issue. Mr. Fink stated the Board always has the opportunity prior to final approval to amend the Negative Declaration.

Mr. Fink stated the item numbers need to be corrected as they are miss-numbered. The new number 8 will include the letter from the NYSDEC.

Mr. Marino stated the Rombout Fire District has provided a Statement that there is sufficient equipment for this project.

Mr. Andrews stated on new number 9 that his comment memorandum addresses this and his comment may be inserted here.

Ms. Birney asked if the Board has any leverage as to the maintenance of the road as far as striping, paving, etc. Mr. Andrews stated the Board can always make this a condition. Mr. Gantz stated they are bringing in a brand new product here and to ask the one lot owner to take care of the road is not fair and in the contracts with the present owners of the lot they must maintain and upgrade the road. Ms. Birney stated this Board has experienced that good fair effort doesn't always accomplish maintaining the road. Mr. Adams stated between now and final approval they can address this with Westage Business Center and report back to this Board. Ms. Birney stated she would like to see the actual plan for the roads from the Westage Business Center. Mr. Gantz stated to strap us with the maintenance of the entire road could definitely handicap us. Mr. LaColla stated he understand that the road improvements must be made before the hotel deal is done. Mr. Gantz stated that is correct. Ms. Birney stated she would like to see this memorialized in a condition on the Resolution of Approval. Mr. Gantz stated he doesn't want to make commitments to obtain an approval and then not be able to keep those commitments.

Mr. Wick stated the Board would like to know the maintenance plan and the improvements. The Board agreed with Mr. Wick.

Mr. Gantz stated approvals are a necessity to him these evening in order to proceed with this project. Mr. Andrews stated the Board's final resolution will either have this road maintenance issue resolved or it will be a condition of final approval.

FINAL

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Knips made a motion that the Board adopt the Negative Declaration for Westage Lot 5 Hotels as amended during the course of discussion this evening. Seconded by Ms. Birney. Motion carried.

Mr. Andrews stated he thought the Board had the pleasure of reviewing the Draft Resolution of Preliminary Approval prior to this evening and apologized. Mr. Knips suggested since the Board is not meeting again until September 22, 2005 he is willing to wait for copies to be made of the Resolution this evening and then review it.

REVIEW
LANDS OF WICK, SOVIK & HYATT - SUBDIVISION & RESUBDIVISION

Mr. Wick appointed Mr. Knips the Acting Chairman and recused himself from this discussion and left the meeting room.

Mr. Andrews stated Mr. Povall stated he has shown that there is a hardship by putting in the separate driveways.

Mr. Andrews reviewed his memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink stated he had no comments.

Mr. Andrews reviewed Draft No.2 of the Resolution of Final Approval and indicated that the modifications are indicated in italic type and double-strike out.

Mr. Rahemba made a motion that the Board waive the final public hearing. Seconded by Mr. LaColla. Mr. Wick abstained. Motion carried.

Mr. LaColla made a motion that the Board adopt the Resolution of Final Approval as amended during the course of discussion this evening. Seconded by Mr. Rahemba. Mr. Wick abstained. Motion carried.

Mr. Povall stated the owner would like to request that the Planning Board recommend to the ZBA that the shared driveway be used. Mr. Colsey stated he will take care of that. So moved by Ms. Birney. Seconded by Mr. LaColla. Mr. Wick abstained. Motion carried.

Mr. Colsey asked if this recommendation letter to the ZBA can serve to answer the future referral. Mr. Knips stated yes.

FINAL

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN

Mr. Andrews stated the Board now has copies of the Resolution of Preliminary Approval.

Mr. Rahemba suggested that the filed map number be included as part of the parcel description. Mr. Andrews stated he will make that revision.

Ms. Birney stated she would like to see more language added to the “Whereas” at the bottom of page 1. Mr. Andrews suggested that the “Whereas” actually become a condition. Mr. Andrews stated he will add a condition number 17. Mr. Adams and Mr. Gantz agreed to this amendment.

Mr. Andrews stated there is no longer an issue of parking waiver so that condition number 7 can be stricken in its entirety and amended to include the language from Mr. Fink’s memorandum.

Mr. Andrews suggested that item number 12 be removed and be included in the Resolution of Final Approval. Mr. Adams and Mr. Gantz agreed to this amendment.

Mr. Andrews stated number 14 be deleted and carried over to a Resolution of Final Approval. Mr. Adams and Mr. Gantz agreed to this amendment.

Mr. Knips made a motion that the Board adopt the Resolution of Preliminary Approval as amended during the course of discussion this evening and that the Chairman sign it. Seconded by Ms. Birney. Motion carried.

REVIEW
WATERFRONT @ FISHKILL - PHASE V OVERLOOK POINTE TOWNHOUSES
SITE DEVELOPMENT PLAN

Mr. Knips recused himself from this discussion and left the meeting room.

Mr. Andrews reviewed the Resolution of Preliminary Approval. Mr. Andrews stated there is a typo on page 2 the date of the preliminary public hearing is July 28, 2005 not 2008.

Mr. Andrews stated condition no. 7 should be deleted and condition 6 should remain and the strikeouts should remain.

Mr. Andrews stated the parentheses on condition number 10 need to be removed and his comment belongs on condition number 11.

Mr. Andrews stated condition number 11 should be deleted as it is part of a Resolution of Final Approval. Mr. Andrews stated the fees need to be verified as they appear to be miscalculated.

Mr. Andrews stated under “Now Therefore Be It Resolved” this may need to be further worded at the time of final approval. Mr. Wick suggested that lot numbers be included as part of the waivers. Mr. Andrews stated that is fine, but he can’t finish it until Mr. Simone furnishes the drawing.

FINAL

REVIEW
WATERFRONT @ FISHKILL - PHASE V OVERLOOK POINTE TOWNHOUSES
SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Perna stated he has the drawing with him this evening. Mr. Andrews stated if Mr. Perna leaves the drawing with him he will include the numbers.

Ms. Birney suggested that wording be included regarding the road controlled by the Homeowner's Association leading to the sewage treatment plant. Mr. Perna stated they will try to give the Town over a private road. Ms. Birney stated it wasn't an easement it was a concern of the maintenance by the Homeowner's Association.

Mr. Perna stated they can make a disclaimer in the HOA documents that this portion of the road will be utilized by the Town and hold them harmless. Ms. Birney asked Mr. Andrews to please include language addressing this concern. Mr. Andrews stated he will do so.

Mr. Wick indicated that he would like language included regarding the emergency access road.

Mr. Andrews stated unless Mr. Perna is in a hurry he would like the opportunity to revise this document, give the Board the opportunity to review it and then we can review it on September 22, 2005. The Board agreed with Mr. Andrews.

REVIEW
THE CREST AT FISHKILL - SUBDIVISION

Mr. Andrews reviewed his memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated if Mr. Watson can revise the plat this is ready for a Resolution of Preliminary Approval.

Mr. Knips made a motion that a Resolution of Preliminary be prepared for review and discussion at the September 22, 2005 Planning Board meeting. Seconded by Ms. Birney. Motion carried.

REVIEW
QUALITY INN HOTEL - SPECIAL USE PERMIT

Mr. LaColla recused himself from this discussion and left the meeting room.

Mr. Horton presented Exhibit A - Entrance Alternate Plan to the Board. Mr. Wick asked what if you eliminate the six (6) truck parking spaces. Mr. Horton stated then there would be no trucks.

Ms. Birney stated what if you put the trucks over by the ice cream place. Mr. Moustakas stated for years the residents have not wanted trucks going there that is why there are barriers now.

FINAL

REVIEW
QUALITY INN HOTEL - SPECIAL USE PERMIT

Mr. Horton stated the boulevard idea is precluded on this site because of the grading. Mr. Wick stated the idea behind the alternate plans were to look at this site as if it was a blank slate and rework the whole parking lot.

Mr. Wick stated he didn't believe that this alternate plan addressed what the Board wanted. Mr. Moustakas stated this drawing is showing an alternate using one entrance for both places and it will not work.

Mr. Andrews stated Mr. O'Connor at the public hearing stated he did not want trucks entering by the ice cream stand other concerns were truck traffic. Mr. Andrews stated most of the concerns the people had were where the trucks were going to go if they could get into the diner.

Mr. Moustakas stated at the last public hearing Ms. Paladino and a few others indicated that he had met with them and explained the project. Mr. Moustakas stated Ms Paladino and other residents spoke at the second public hearing supporting the project.

Ms. Birney asked how far apart the entrances are. Mr. Horton stated the entrances are approximately 210' apart. Ms. Birney stated she knows the site well and believes there is going to be a problem with two (2) entrances.

Mr. Horton presented Exhibit B - Commercial Vehicle Parking. Mr. Andrews stated the owners are going to have to strictly police no parking in front of the diner.

Mr. Andrews reviewed his memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink reviewed his memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Horton stated on the landscaping plan they are proposing plantings along NYS Route 52, plantings along the parking islands and back by the diner and they are proposing a row of deciduous trees to separate the truck parking.

Mr. Horton stated the hotel is going to be 75 rooms rather than 65 rooms as the 65 room hotel the rooms were bigger than they needed to be. The 75 room hotel required additional parking.

Mr. Andrews stated the Board has not closed SEQRA. Mr. Wick stated the increase from 65 rooms to 75 rooms should be reflected in the traffic study. The Board agreed with Mr. Wick.

Mr. Andrews and Mr. Fink both agreed there that were no other issues regarding SEQRA that needed to be addressed.

Mr. Wick asked if the revised traffic study needed to be recirculated to the involved and interested parties; Mr. Andrews stated yes.

FINAL

REVIEW
QUALITY INN HOTEL - SPECIAL USE PERMIT
(CONTINUED)

Ms. Birney stated she would like to see all elevations of the hotel with landscaping. The Board agreed with Ms. Birney.

REVIEW
STONYKILL VIEW - SUBDIVISION - REQUEST FOR BOND REDUCTION

Mr. Knips made a motion that the Board schedule a public hearing for the Bond Reduction of Stonykill View for the September 22, 2005 Planning Board meeting. Seconded by Mr. Rahemba. Motion carried.

REVIEW
VAN WYCK @ MERRITT PARK - 28 UNIT EXPANSION
SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his comment memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes. Mr. Andrews suggested that this project is ready to move toward final approval.

Mr. Fink reviewed his memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Zalinsky stated from a consistency standpoint we kept all the setbacks the same. Mr. Wick stated the idea for giving a waiver is there is a specific reason for granting it and he doesn't honestly remember the conversation keeping all setbacks the same.

Mr. Andrews stated the roadway setback has gone from 40' to 35' feet and he believed this was done to make the site look more uniform. Mr. Zalinsky stated he can look at pushing some of the units back as he doesn't see it as a major obstacle.

Mr. Fink stated his preference would be to reduce the amount of pavement and that is what this plan does.

Mr. Wick asked the Board if everyone was okay with the 35'. It was the consensus of the Board that the 35' is acceptable.

Mr. Knips made a motion that a Resolution of Final Approval be prepared for reviewed at this next meeting. Seconded by Mr. Rahemba. Motion carried.

FINAL

REVIEW
TOLL BROS., INC. - MERRITT PARK CONDOMINIUMS
SITE DEVELOPMENT PLAN

Mr. Andrews stated the Board's general concerns were emergency access and keeping the site as compressed as possible.

Mr. Andrews stated we are looking at the road network and we need to come up with profiles and reasonable designs before we move forward with this.

Mr. Andrews stated you will come up a Boulevard entrance and you will have basically three (3) pod developments with loops. Mr. Andrews stated there are grading issues. Mr. Andrews stated what drives this site is the main spine road and the main spine road has a series of constraints. The main constraint is the wetland and Central Hudson.

Mr. Andrews stated there is very little we can do with the road that attacks the hill at 10%, but we can hope to make sure that all the side road connections are in a reasonable range.

Mr. Andrews stated he and the applicant need to sit down and work out some of the engineering issues. Mr. Andrews stated we also need to take a look at the creation of left-turn lanes.

Mr. Andrews stated he would like to know if the Boulevard makes sense to the Board and the fire district and the Board's authorization to meet directly with the applicant and his engineer.

Mr. Wick stated he remembers the Board discussed the Boulevard before and that the Board was in favor of it then and is in favor of it now. The Board agreed with Mr. Wick.

It was the consensus of the Board that the 10% was not a problem and that the left-turn lanes were not a problem.

Mr. Andrews stated he will sit down with Applicant and the next proposal will have the roads modified and the grading.

Mr. Fink reviewed his memorandum to the Board dated August 25, 2005; a copy of this memorandum is attached to the original minutes.

AUGUST 11, 2005 PLANNING BOARD MEETING MINUTES

Mr. Knips made a motion that the Board adopt the August 11, 2005 Planning Board Meeting Minutes as amended. Seconded by Mr. Knips. Motion carried.

Mr. Knips made a motion that the Board go into Executive Session at 11:10 p.m. Seconded by Mr. LaColla. Motion carried.

Mr. Knips made a motion that Board reopen the meeting at 11:36 p.m. Seconded by Mr. LaColla. Motion Carried.

FINAL

OTHER ITEMS
CHAIRMAN'S COMMENTS

Mr. Wick stated that this is his final meeting and has a few points to go over. Mr. Wick stated 15 years ago the Town obtain some property that approaches the Wilson Subdivision, which therefore says we can put the road through. Mr. Wick stated this road is a necessity and in discussing this with the Supervisor she told him to get letters and he has letters from Rombout Fire, the Chief of Police, etc. Mr. Wick turned these letters over to Mr. Knips as he is the new Chair and advised him that he can forget about them or pursue this further.

Mr. Wick stated the Magnolia Rezoning that is before the Town Board which is located across the street from his house is to rezone the property and construct 72 units. Mr. Wick stated Mr. Kuehner wants to go from R-40 Zoning to RMF-5 Zoning and to a density bonus. Mr. Wick stated he is opposed to this project and if he was staying on this Board and this rezoning went through he would frankly resign from the Board.

Mr. Wick stated undergoing the process of subdivision he came upon something that he feels is unfair. Mr. Wick stated he is being required to pay recreation fees and downstream drainage fees on his existing lot and the two (2) new lots and has submitted a letter to the Town Board requesting that the fee schedule be modified and that the fees on his lot be waived

Mr. Wick read into the record his letter of resignation.

Mr. Knips made motion to close the meeting at 11:55 pm. Seconded by Mr. LaColla. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes